

June 1, 2018

VIA ELECTRONIC FILING

Jocelyn Boyd, Chief Clerk / Administrator
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, SC 29210

RE: Pay Tel Communications, Incorporated v. Lattice Incorporated
Docket No. 2017-354-C

Dear Ms. Boyd:

Enclosed for filing please find the proposed Order by Lattice Incorporated.
Please contact me if there are questions.

Yours truly,



Frank R. Ellerbe, III

FRE:tch

Enclosure

cc w/enc: John J. Pringle, Jr., Esquire (via email)
Jenny R. Pittman, ORS Counsel (via email)
Terry Whiteside (via email)

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

Docket No. 2017-354-C – ORDER NO. 2018-_____

_____, 2018

IN RE:)	
)	
Pay Tel Communications, Inc.,)	<i>Proposed</i> ORDER
)	
Complainant,)	
)	
vs.)	
)	
Lattice Incorporated,)	
)	
Respondent.)	
_____)	

INTRODUCTION

This matter comes before the Public Service Commission of South Carolina (the “Commission”) by way of a Complaint and Petition for Declaratory Order (“Petition”) filed by Complainant Pay Tel Communications, Inc. (“Pay Tel”). The Pay Tel Petition sought a ruling that its competitor, Lattice Incorporated (“Lattice”), was a telephone utility operating in South Carolina without a certificate of public convenience and necessity (“Certificate”) and without an approved tariff.

The Commission conducted a formal hearing in this matter on May 1, 2018. John J. Pringle, Esquire represented Pay Tel. Frank R. Ellerbe, III represented Lattice. The Office of Regulatory Staff (“the ORS”) was represented by Jenny Pittman. Mr. J. Vincent Townsend testified on behalf of Pay Tel. Mr. Terry Whiteside testified on behalf of Lattice Incorporated. Christopher J. Rozycki testified for the ORS.

FINDINGS OF FACT

After carefully considering the evidence, including the testimony and exhibits presented in this docket, and the applicable regulations and statutes, as well as a thorough examination of the terms and conditions of the contracts between Lattice and the Sheriff's Department of Union County and between Lattice and the Colleton County Detention Center, the Commission makes the following findings of fact and conclusions of law:

1. In providing inmate telephone services, Lattice was required to obtain a certificate of public convenience and necessity ("Certificate") pursuant to S.C. Code Ann. § 58-9-280(A) prior to offering or providing these services in South Carolina.

2. In October 2017 Lattice entered into two contracts to provide inmate calling services to inmate facilities in Union and Colleton counties. Lattice has acknowledged that it was required to, but did not, have a Certificate before providing the inmate calling services.

3. Prior to the hearing in this matter Lattice entered into contracts assigning its contracts to provide service to the two facilities to WiMacTel, Inc. WiMacTel is authorized to operate in South Carolina by Order No. 2010-714. Lattice does not currently provide telecommunications services in South Carolina.

4. Lattice has agreed to applying for a Certificate within 90 days of this Order.

CONCLUSIONS OF LAW

1. Inasmuch as Lattice has rectified its lack of a Certificate by ceasing its provision of telecommunications services in South Carolina and assigning its contracts to a properly certificated utility, we deny Pay Tel's request to issue an order finding that Lattice is a telephone utility

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pursuant to S.C. Code Ann. § 58-9-10 or requiring that Lattice file a schedule of its rates and charges.

2. We accept Lattice’s commitment to apply for a Certificate within 90 days of this Order.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT:

1. Lattice must not provide telecommunications services in South Carolina until such time as it has obtained a Certificate.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

Swain E. Whitfield, Chairman

ATTEST:

Comer H. “Randy” Randall, Vice Chairman

(SEAL)